

NTBA applies for membership of Law Council

The Northern Territory Bar Association has recently applied to become a member of the Law Council of Australia. Our application follows a similar application by the Western Australian Bar Association. Both applications have been referred to a special committee of the Law Council for consideration.

The Law Council was formed in 1933 as the peak national body representing the legal profession. The Northern Territory Law Society is currently a member, as are the Law Societies of each State and Territory. Among the Bar Associations, those of New South Wales, Victoria and Queensland are all members, as is the Bar Association of the Australian Capital Territory.

The latter is somewhat different to the others in that the Australian Capital Territory's legal profession is a fused profession and the Bar in the ACT is a relatively small Bar, certainly by comparison to the larger Bars of the eastern States. In these respects the ACT Bar is similar to the NT Bar. On the other hand, whilst the WA Bar operates within a fused legal profession, it is much larger than both the ACT and NT Bars. At this stage neither the South Australian Bar Association nor the Tasmanian Bar has applied for membership.

The NTBA will await with interest the outcome of its application.

Queensland Bar Centenary

The Queensland Bar Association is 100 years old in October this year. It follows Victoria (2002) and New South Wales (2001) in celebrating its centenary. Of course, there were barristers practising in each of these jurisdictions for some time before a Bar Association was formed there.

Nonetheless this history of the Bars in Australia is short by comparison to our UK and Irish counterparts.

Whilst the Bar Council of England and Wales was not established until 1894, the present day equivalent of barristers first took over the Inner and

Middle Temples from the Order of Knights Templar in the late 13th and early 14th century.

In Scotland, the Faculty of Advocates, which is the equivalent of the Scottish Bar Association, dates back to 1532, when the College of Justice was established by an Act of the Scottish Parliament. In Ireland, the Honorable Society of Kings Inn, which is the governing body of the Bar of Ireland, was established in 1541 when a lease was granted by Henry VIII for the use of Blackfriars monastery. (This information has been obtained from the web sites of each of these bodies.)

QBA Centenary Conference in Cairns

To mark its centenary, the Queensland Bar Association held the first stage of its Centenary Conference in Cairns over the Anzac day long weekend. The theme of the conference was "A New Century of Rights".

The conference was addressed by a large number of eminent speakers from Australia and overseas.

They included Justice Callinan of the High Court, Lord Cullen, who is the equivalent of the Chief Justice of Scotland, Justice Gault, who is the President of the Court of Appeal of New Zealand, Justice De Jersey, the Chief Justice of Queensland, Sir Gerard Brennan, Mr Matthias Kelly QC, the Chairman of the Bar Council of England and Wales and Mr van der Linde, the Chairman of the General Council of the Bar of South Africa.

It is not possible to summarise all of the papers that were presented (approximately a dozen) in this short column.



John Reeves QC, President of the NT Bar Association

However, the following are some points of interest made by some of the speakers (in no particular order):

- Chief Justice De Jersey questioned whether ADR (alternative dispute resolution) had become so successful in Queensland that it may soon deprive the courts of the stock of disputes and, therefore, the decisions that are essential to the development of the common law system.
- In an address entitled: "From the Celebrated Snail to the Good Samaritan", Lord Cullen noted that the Northern Territory is unique in Australia; and in most common law countries; in designating as a crime, callously failing to rescue or provide help to a person urgently in need of it. See section 155 of the Criminal Code Act.
- Mr van der Linde gave a disturbing account of attacks on individual members of the judiciary e.g. intimidating arrests in their chambers; and erosions to the rule of law e.g. governments refusing to abide by, or enforce, court orders; occurring across the African continent, including in the countries of Zimbabwe and Swaziland.

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*Jottings on the Bar, from
previous page*

- Mr Matt Kelly QC informed the conference that the government in England was considering reforms to the rule against double jeopardy in the criminal justice system to allow the Court of Appeal to order a re-trial in relation to approximately 30 prescribed crimes.
On an entirely different subject, he also informed the conference that the Office of Fair Trading in England had recommended the abolition of legal professional privilege because it was claimed to give lawyers an unfair competitive advantage vis a vis accountants.
- Justice Callinan delivered the keynote address – “For and Against Constitutional Rights”. His Honour noted that with a detailed Bill of Rights entrenched in its Constitution, the US legal system did not prevent the McCarthy era occurring in the US yet, at about the same time, the High Court in Australia was able to rely upon the Australian Constitution to strike down the Communist Party Dissolution Act 1950. See *Australian Communist Party v Commonwealth* (1951) 83 CLR 1.
- Looking to the next century, Sir Gerard Brennan predicted that most of the advice work presently undertaken by lawyers may be dealt with by software programmes designed by legal software engineers.
Whilst this would remove many of the simpler cases from the courts, many emerging areas of law involving complex issues of legal principle and morality will confront lawyers and the court system over the next century.

The second stage of the QBA Centenary Conference is to be held at Noosa in mid November 2003.

If that stage is as interesting and well organized as this first stage, it will be well worth attending. :))

New Qantas Domestic Fare Structure

Law Society NT members are invited to attend a presentation outlining changes to Qantas domestic fares with effect from 1 July. The presentation will be of particular interest to business managers, travel officers and frequent travellers

DATE: Tuesday 17 June
PLACE: LSNT office, 11th floor NT House
TIME: from 5pm
RSVP: Felicity, 89815104

If you can't attend but would like more information, please contact Nicola Haynes on 08 89823386 or email: nhaynes@qantas.com.au



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We need volunteers, particularly those interested in attending the Palmerston Free Legal Advice Sessions.

The DCLS holds three after-hours Free Legal Advice Sessions in Darwin and beyond throughout the week:

MON - 6.30pm-7.30pm, NTU Palmerston campus, Palmerston
THU - 5.30pm-7pm, DCLS Office, Cnr Manton & McMinn Sts
SAT - 10am-11.45am, Casuarina Library

The DCLS thanks all current volunteers



If you would like to volunteer, please contact Darlene Devery, on ph 8982 1111 or email darlene@dcls.org.au